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REMARKS

Reconsideration of the present application is respectfully requested. Applicants thank the Examiner for the indication that claims 12-18 and 19-23 are allowable, and that claims 4-7 and 9-11 are allowable if rewritten in independent form.

Also being submitted with this document is a Supplemental Information Disclosure Statement.

The rejections under 35 U.S.C. § 102

In paragraph 2 of the Office Action, claims 1 and 3 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 3,914,072 to Rowley et al. Applicants respectfully disagree with this rejection.

With regards to claim 1, it is well established that in order for a reference to anticipate a claim, all limitation of that claim must be present in the reference. Applicants have amended claim 1 to include that the housing defines an open channel fluid passageway adapted and configured for providing a flow of fluid from the outer diameter of the rotor toward a seal. Applicants respectfully assert that a fair reading of Rowley does not disclose these elements. In contrast, the pump housing 14 of Rowley (as best seen in Fig. 1) does not disclose an open channel fluid passageway which provides flow from the outer diameter of the rotor toward a seal. The Office Action refers to Rowley having a housing that "defines a fluid passageway (between numerals 24 and 28 of Fig. 2)." Applicants respectfully assert that neither seal plate 28 nor housing 14 define an open channel fluid passageway.

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Lacking at least this limitation of claim 1, Rowley cannot be said to anticipate claim 1, and Applicants respectfully request withdrawal of the rejection of claim 1.

With regards to claim 3, claim 3 includes that the passageway is located in the face of the housing opposite of a rotor backplate. A fair reading of Rowley does not disclose an open channel passageway located in a face of the housing opposite of a substantially planar backplate. Lacking at least this element, Rowley cannot be said to anticipate claim 3, and it is respectfully requested that the rejection of claim 3 be removed.

In paragraph 3 of the Office Action, claims 1, 2, and 8 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,591,001 to Ray et al. Applicants respectfully disagree with these rejections.

With regards to claim 1, claim 1 includes a housing that defines an open channel fluid passageway adapted and configured for providing a flow of fluid from the outer diameter of the rotor toward a seal. Applicants respectfully assert that Ray does not disclose this claim limitation, and further discloses pump operation of the opposite direction. Ray discloses a specific object of "producing an air liquid mixture which under the action of the pump impeller moves to the periphery of the impeller and then to the pump discharge" (column 1, line 64 to column 2, line 2). Further, Ray provides a stationery vane structure which acts to move debris, mixed pumpage, and air "from the region of the seal chamber adjacent the impellor shaft radially outwardly" (column 4, lines 25-33). To assist in this movement from the seal chamber in a

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radially outward direction, Ray further includes rotating vanes 60 on the back of the impeller to move material by a vortexing action (column 3, lines 1-6; column 4, lines 33-41).

No where does Ray disclose an open channel fluid passageway adapted and configured for providing flow of fluid from the outer diameter of the rotor toward a seal. Lacking at least these limitations, Ray cannot be said to anticipate claim 1, and Applicants respectfully request withdrawal of the rejection.

With regards to claim 2, claim 2 is allowable at least by being dependent upon an allowable claim. As another example of allowability, claim 2 includes that the distance between first and second walls of the fluid passageway decrease in the direction from the outer diameter toward the second seal. Ray, in contrast, lacks this limitation as well as other limitations of claim 2.

With regards to claim 8, claim 8 includes an open channel fluid passageway adapted and configured for directing fluid flow toward a seal housing. In contrast, and as discussed above, the disclosure of Ray does not include this limitation. The disclosure of Ray is directed toward a pump which directs debris and mixed pumpage and air "from the region of the seal chamber adjacent the impellor shaft radially outwardly" (column 4, lines 25-34), such that the "fluid mixed with air exits the seal chamber" (column 4, lines 40-41).

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CLOSING

Applicants have amended claim 1. Applicants respectfully request reconsideration of pending claims 1-23.

It should be understood that the above remarks are not intended to provide an exhaustive basis for patentability or concede any basis for rejections or objections in the Office Action. Further, with regards to the various statements made in the Office Action concerning any prior art, the teachings of any prior art are to be interpreted under the law. Applicants make no admissions as to any prior art. The remarks herein are provided simply to overcome the rejections and objections made in the Office Action in an expedient fashion.

The undersigned welcomes a telephonic interview with the Examiner if the Examiner believes that such an interview would facilitate resolution of any outstanding issues.

Respectfully Submitted,

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